

III. REMARKS

1. Claims 1, 12-14, 16-18, 20, 21, 23-30, 40-42, 44-46, 48, 49, 51-58 are amended.
2. The claims are amended to address the noted objections. The claims are also amended to address the rejections under 35 USC §112.
3. Claims 1, 12-13, 16-20, 22, 24-30, 40-41, 44-48, 50 and 52-58 are not unpatentable over Wynblatt in view of Nakasu further in view of Minneman under 35 USC §103(a). Claims 1 and 58 have been amended to incorporate the subject matter of the dependent claims 19 and 22. Claim 30 incorporates the subject matter of dependent claims 47 and 50. These features are not disclosed or suggested by the above combination of references.

Claim 1 recites a first electronic device comprising an implementing device for implementing a virtual noticeboard. The first radio device implements the transmission of information from the virtual noticeboard to a second portable electronic device, located within a geographically limited coverage area of the first radio device.

The second portable electronic device comprises a second radio device for implementing the data transmission transmitting information from the virtual noticeboard to the second portable electronic device. The second device also includes a device for processing information received from the virtual noticeboard and a selecting device for selecting reception of the virtual noticeboard.

The first electronic device is portable user equipment in a mobile telephone system. The first device is arranged to implement data transmission with regard to the virtual noticeboard and display a new message, reply and/or comment, comprising textual data, received from the second portable electronic device, in the virtual noticeboard.

The first device comprises a device for automatically transmitting information on the noticeboard to all second devices located in the coverage area and the second device comprises a device for determining whether to include contact information in the reply information transmitted to the first device or whether to keep the second device anonymous.

These features are not disclosed or suggested by the combination of Wynblatt in view of Nakasu further in view of Minneman.

Wynblatt is a system that utilizes the Internet to received targeted information through mobile information terminals. (Col. 1, lines 6-9). The Internet is the source of information. The system provides "drive-by-access" to the Internet information. (Col. 2, line 27). The "local agents" make the information available to the mobile terminals. (Col. 2, lines 34-36). Short range transmitters broadcast Internet URL's to the mobile terminals, which store them in a queue. (Col. 2, lines 38-42.) The terminal can then retrieve the URL and access the document addressed by the URL. (Col. 2, lines 42-44). This is not the same as a portable user equipment in a mobile telephone system that is arranged to implement data transmission with regard to the virtual noticeboard and display a new message, reply and/or comment, comprising textual data, received from the second portable electronic device, in the virtual noticeboard.

Also, Wynblatt only discloses that the mobile terminal sends parameters to Internet programs. This is not the same as including contact information in the reply as recited by applicant in the claims. These features are also not disclosed or suggested in Nakasu or Minneman. Thus, the combination of Wynblatt in view of Nakasu further in view of Minneman does not disclose each and every feature recited by Applicant in the claims.

Wynblatt discloses that sophisticated advertising is possible by customizing the advertisement to the customer. The URL broadcast by the local agent could reference an Internet program that is parameterized by the local agent's location. Thus the

advertising, which is transmitted by the local agent to the terminal, could include information about the user's immediate location. This is because the system of Wynblatt is a "drive-by-system" and localized by the terminal passing by. A parameter in the advertisement could indicate the location the user was passing in order to focus the information provided to the user for the immediate vicinity. (Col. 5, line 63-Col. 6, line 16). The local agent can be included in a storefront. (Col. 5, lines 50-52). There is no disclosure here or elsewhere in Wynblatt that the mobile terminal can send a new message, reply and/or comment, comprising textual data, back to the local agent, which information is then displayed in the virtual noticeboard. Wynblatt only discloses that the local agent transmits the URL information, which is then displayed to the user via the local terminal.

Wynblatt does not disclose or suggest that a first radio device is arranged to receive a new message, a reply and/or a comment **from the second portable electronic device** or that the first electronic device is arranged to display the new message, the reply and/or the comment **from the second portable electronic device** in the virtual noticeboard. Wynblatt is directed to a system for providing "just-in-time distribution of information through mobile information terminals." (Abstract) The system includes a mobile information terminal as the output device and a local agent that is locally operated. (Abstract). The purpose of Wynblatt is to allow local agents to make information available to mobile information terminals. (Col. 2, lines 35-37.) The local agent 28 includes a short range transmitter 36 and a data entry mechanism 38 for transferring data into the transmitter 36. (Col. 2, lines 55-58). The mobile agent collects the URLs. (Col. 2, lines 59-61). Data is entered into the short range transmitter 36 by the local agent operator using the data entry mechanism 38. (Col. 3, lines 49-53). There is no disclosure in Wynblatt related to the **user** being able to provide a new message, a reply and or a comment **back to the local agent**. However, claim 1 recited by Applicant states that the first electronic device is arranged to receive a new message, a reply and/or a comment **from** a second portable device and **display** the new message, reply and/or comment **from the second device** in a virtual notice

board. Wynblatt only discloses that the mobile terminal **collects** the URL information **sent from the local agent**. There is no new message, reply or consent transmitted from the second device to the first device in Wynblatt that comprises textual data and is displayed in the virtual noticeboard as is claimed by Applicant. In Wynblatt the user obtains URLs that are provided to the terminal from the local agent. URL's are provided to the user from a queue. Once the desired URL is obtained, the user can retrieve the WWW document from the Internet. (Col. 4, line 62- Col. 5, line 8). Applicant, on the other hand, transmits information from a virtual notice board to a second portable electronic device. The second portable electronic device can send a new message, reply and/or comment back to the first electronic device. The virtual noticeboard of the first electronic device can "display" the message in the "virtual noticeboard." This is not disclosed or suggested by Wynblatt, and neither Nakasu nor Minneman address this deficiency. Thus, at least these features claimed by applicant are not disclosed or suggested by the combination of Wynblatt with Nakasu or Minneman.

Since the combination of Wynblatt in view of Nakasu further in view of Minneman does not disclose or suggest each and every feature recited by Applicant in the claims, claims 1, 12-13, 16-20, 22, 24-30, 40-41, 44-48, 50 and 52-58 are patentable over the combination of Wynblatt in view of Nakasu further in view of Minneman.

It is also submitted that there is no motivation to combine Wynblatt with Nakasu for purposes of 35 USC §103(a). Wynblatt is directed to providing for the distribution of information through mobile informational terminals. The Internet is the source of the information and a local agent provides information to a mobile terminal (Abstract). Nakasu is directed to a prepaid portable telephone that allows a portable telephone to make a predetermined number of message units, or message units and timed receptions. (Col. 1, lines 9-13) One of skill in the art would not look from the system of Wynblatt, where a local agent **provides** Internet information to a mobile information terminal, to a system that provides a high security portable telephone system using small lightweight prepaid type of portable telephone (Nakasu). The telephone in

Nakasu is used to "make" calls. The terminal in Wynblatt receives information from local agents.

Wynblatt allows local agents, like buildings, billboards and vehicles, to make information available to mobile information terminals. (Col. 2, lines 35-37). Short range transmitters broadcast Internet URLs to mobile information terminals. The terminal's user can then retrieve any URL and access the World Wide Web document addressed by the URL (Col. 2, lines 40-44).

Nakasu, in a different field, monitors the number of message units used by an "**origination-only**" portable telephone. If the number of message units increases to a predetermined number, the origination of a call by the "**origination-only**" portable telephone 1B will be denied. (Col. 6, lines 1-6). The "**origination-only**" portable telephone is capable of making only calls of a "contract number" of message units and is only capable of originating a call. After the predetermined number of messages are used up the origination-only portable telephone is returned to the store where the origination-only portable telephone was procured. (Col. 8, lines 11-23). This is not related to using a mobile terminal to receive "drive-by" information from a local agent.

There is no disclosure or suggestion present that would motivate one of skill in the art to take the system of Wynblatt for accessing information and utilizing the Internet to receive targeted information through mobile information terminals and combine it with the "**origination-only**" portable telephone system of Nakasu to achieve what is claimed by applicant. Since the mobile information terminals in Wynblatt need to be able to receive information an "**origination-only**" portable telephone would not be of any benefit to that system. Furthermore, FIG. 13 of Nakasu referred to by the examiner is a view of a prepaid type simple portable telephone 42. (Col. 14, lines 4-10). As noted earlier, these prepaid telephones are only capable of originating a call and making calls of a contract number of message units. (Col. 8, lines 11-15). In Wynblatt, the terminals must be able to receive information from the local agent. Applicant also claims that the first electronic device can receive a new message, a reply and/or a

comment from the second portable electronic device. Nakasu cannot meet the elements of this claim. Therefore, there is no motivation to combine Nakasu with Wynblatt for purposes of 35 USC 103(a).

It is also submitted that Wynblatt and Nakasu are non-analogous art and have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case Wynblatt and Nakasu are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

The independent claims recite the feature of a first electronic device transmitting a virtual noticeboard within a geographically limited coverage area to a second portable electronic device and displaying a new message, reply, and/or a comment received from the second device in the virtual noticeboard. The first electronic device is portable user equipment in a mobile telephone system. This has the advantage of ease of use of the virtual noticeboard, e.g., enabling communication among several users and faster response time (see page 2, lines 10-12).

Wynblatt is directed to using short-range transmitters in local agents to broadcast Internet URLs to mobile information terminals. Nakasu is directed to origination-only portable telephones that can make only a certain number of calls. Nakasu is not in the same field of endeavor as applicant or Wynblatt and is not reasonably pertinent to the particular problem with which applicant or Wynblatt is concerned. Therefore, Nakasu is non-analogous art and cannot be used with Wynblatt for purposes of 35 USC §103(a).

Combining Minneman with Wynblatt and Nakasu does not overcome the deficiencies noted above.

First, the combination of Minneman with Wynblatt and Nakasu does not disclose or suggest each element recited by applicant in the claims. Minneman is directed to the public display of a document for concurrent adjustment by the interactants. (Col. 1, lines 4-9). An image is displayed and a user can generate a signal that can alter the display. (Col. 5, line 33- Col. 6, line 14. Each click by the user can cause a next appropriate scene. (Col. 6, lines 23-27). There is no disclosure or suggestion in Minneman related to displaying a new message, the reply and/or the comment in the virtual noticeboard, from the user or passerby, where the new message, reply and/or comment comprises "textual data" as claimed by Applicant. The most that Minneman can do is to adjust an image using a garage door opener or key fob. (Col. 6, lines 23-31). The viewer-participants' perspective is effectively a viewing 38 of the display and responding with either a click 40 or a non-response 41 wherein the scene will be changed and the viewer will adjust 42 his interpretation in response to the change. (Col. 6, lines 49-53). This is not the same as displaying a new message, the reply and/or the comment in the virtual noticeboard, where the new message, reply and/or comment comprises "textual data" as claimed by Applicant. Thus, Minneman does not disclose or suggest at least this feature. Combining Minneman with Wynblatt and Nakasu does not overcome the deficiency, and the combination does not disclose or suggest each element recited by applicant in the claims.

There is also no motivation to combine Minneman with Wynblatt and Nakasu for purposes of 35 USC §103(a). As noted above Nakasu and Wynblatt cannot be combined for purposes of 35 USC §103(a). Additionally, Minneman only allows a user to change an image on a display by clicking a garage door opener or a key fob. The user only sees the current image on a screen and "may not see the outcome of their signal" even though the scene on the display is "altered in response to their signal." (Col. 6, lines 5-11). In Wynblatt however, as the mobile agent moves, it collects the URLs as it travels and the user can view these URLs, even after they are updated. One of skill in the art would not be motivated to combine a system where the outcome of

user input may not be seen with a system that collects and allows updated information to be directly viewable.

With respect to the rejection of claims 12 and 40 there is no disclosure in Wynblatt that the second device is portable user equipment in a mobile "telephone" system. All that is stated in Wynblatt is that there is a mobile information terminal 26. Wynblatt relies on the advent of automobile-based Internet browsers. (Col. 1, lines 41-42)

Claims 13 and 41 are also directed to a mobile "telephone" system. Again there is no such disclosure in Wynblatt.

Claims 16 and 44 recite that the virtual noticeboard is bound to the first electronic device. All that Wynblatt discloses is the terminal includes a receiver that can receive information and pass information to the URL queue. (Col. 4, lines 23-26). The user can develop preferences as to how URL/title pairs are passed by the queue unit to the WWW browser (Col. 4, lines 49-62). Col. 5, lines 11-17 disclose that custom information can be passed from the mobile information terminal to remote Internet programs. This allows the browser to customize the user's use of the WWW on the user's behalf. This is not the same as what is claimed by applicant.

Claims 17 and 45 recite that the virtual noticeboard is a personal noticeboard of the user of the first device. There is no such disclosure in Wynblatt. Wynblatt allows URL information to be collected and passed to the mobile terminal, which the user can then view. There is no disclosure that the user can limit or regulate the URL information that is passed to the mobile terminal. At most the user can scroll through URLs until the desired title is retrieved and rendered. (Col. 5, lines 2-8)

There is no disclosure in Wynblatt related to determining whether to include contact information in the reply information transmitted to the first device or whether to keep the second device anonymous as claimed by applicant. All that Wynblatt discusses is that sophisticated advertised is possible by customizing the advertisement to the customer. A national advertising campaign could include information about the users

immediate location. This would be by providing a parameter indicating which location the user was passing and focus information provided to the user on data related to the immediate vicinity. (Col. 5, line 62- Col. 6, line 7). This is not the same as determining whether to include "contact information" in "reply information" transmitted to the first device as claimed by applicant. In Wynblatt, the local agent transmits data to the mobile information terminal as it passes by. The local agent will now transmit data pertaining to the location as the terminal passes by. This is not what is claimed by applicant.

3. Claims 14 and 42 are not unpatentable over Wynblatt in view of Nakasu in view of Minneman in view of Emilsson under 35 U.S.C. §103(a).

As noted above, Wynblatt cannot be combined with Nakasu for purposes of 35 U.S.C. §103(a). There are also deficiencies related to the combination with Minneman that are not overcome. Claims 14 and 42 should be allowable at least by reason of their respective dependencies.

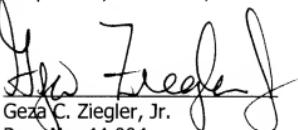
It is also submitted that there is no motivation to combine Emilsson with Wynblatt, Nakasu and Minneman to achieve what is claimed by Applicant. Emilsson allows a user to use a telephone system to identify their current location and locate relevant information on a computer database. (page 2, lines 7-13). However, Applicant's claims are directed to a first electronic device comprising an implementing device for implementing a virtual noticeboard, and a first radio device for implementing data transmission transmitting information from the virtual noticeboard to a second portable electronic device. The second portable electronic device comprises a second radio device for implementing the data transmission transmitting information from the virtual noticeboard to the second portable electronic device, a device for processing information received from the virtual noticeboard and a selecting device for selecting reception of the virtual noticeboard. The first electronic device is portable user equipment in a mobile telephone system and is arranged to implement data transmission with regard to the virtual noticeboard such that a new message, a reply

and/or a comment "received" from the second portable electronic device, comprising textual data, is displayed in the virtual noticeboard. One of skill in the art would not be motivated to look to a system that allows a user to use a telephone to obtain relevant information on a current location from what is taught by Wynblatt, Nakasu and Minneman, to achieve what is claimed by Applicant. Therefore, a *prima facie* case of obviousness is not and cannot be established.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

13 FEB 2009
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512